"INCORPORATE 'RELAXED' ADA STANDARDS INTO ELIGIBILITY FRAMEWORK"

- **Best Practice**: For helping districts/schools follow eligibility inquiring framework for identify students who might be eligible for Section 504 Services.
 - 1. Does the student have physical or mental impairment?
 - First step includes **STILL** asking about physical or mental impairments.
 - Include impairments that maybe in remission or episodic.
 - 2. Does the impairment substantially limit one or more of the expanded major life activities?
 - Exclude Mitigating Measures when making eligibility determination decisions.
 - What do we do if the condition/impairment is remission?
 Ask: "Would the impairment substantially limit a major life activity if it were present in its full-blown state?"
 - 3. Does the student need accommodations and services to have his educational needs met as adequately as the needs of non-disabled students?
 - This question separates the mere "technically" eligible from those students who are actually eligible to receive a Section 504 plan with accommodations.
 - A. What do we do with the student that is "Technically" eligible but will not receive a Section 504 Plan?
 - These students are afforded the same right to **NOT** be discriminated against based on their disability.
 - These students are also entitled to a manifestation determination review prior to any significant change in placement, this includes such programs as:
 - > Long-term alternative program
 - Out-of-school expulsion
 - Remember Punishing a student for behavior that is related to his/her disability is defined as: Discriminating against the student on the basis of their disability.
 - These students also have protection from excessive short-term removals, just like any other 504 student.
 - The student has a right to file a complaint with OCR.
 - The student has a right to a Section 504 due process hearing.
 - The student has the right to periodic (three (3) year) reevaluations.
 - These students impairment could change in the future, thus requiring the district/school to reevaluate.
 - These students have the equal right to access extra-curricular and nonacademic services.

